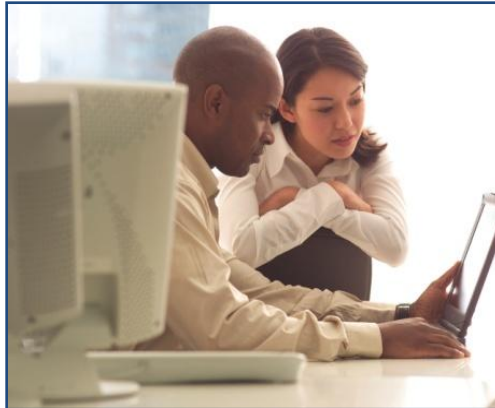


SEASONAL CHILD CARE POLICY MANUAL



A GUIDE TO UNDERSTANDING SCC WAC 170-290



Washington State Department of

Early Learning

Updated August 5, 2011

Introduction

The Seasonal Child Care (SCC) program helps eligible families pay for child care while they work in agriculturally related jobs.

Eligible consumers must be at or below 175% of the federal poverty level and work in seasonally available agricultural employment which is directly related to the cultivation, production, harvesting or processing of fruit trees or crops. They must also live in one of these counties: Adams, Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Okanogan, Skagit, Walla Walla, Whatcom, or Yakima.

DSHS determines consumer eligibility. Sometimes, child care workers may need to offer extra help to consumers to help them understand the reporting requirements and documentation necessary to determine eligibility. It is important to provide timely interpretation or translation services for the population of people that most often access SCC subsidies.

Timely communication with the consumer and provider, and consistent follow-through is key to quality service delivery. A quick call or e-mail confirming that information has been received or that a case concern has been addressed and resolved are important.

The Washington Administrative Code (WAC) explains the purpose and goals for SCC – known as program policy. It describes the requirements for consumers and providers. The WAC 170-290 for Child Care Subsidies can be found at:

<http://apps.leg.wa.gov/WAC/default.aspx?cite=170-290>

PLEASE NOTE!!! The SCC administrative code in Part 3 of the Child Care Subsidy WAC are changing, and it will be several months before the final rules are posted on the legislative web site. It is important that you refer to this manual for both the emergency rules and the effective rules.

This manual provides Additional Policy Guidance for WAC 170-290. For step-by-step instructions in using WCAP or other DSHS eligibility systems, workers should consult the *Working Connections Child Care Handbook* on-line at:

<http://csd.esa.dshs.wa.lcl/wiki/Wiki%20Pages/Home.aspx>

Some additional resources include:

Department of Early Learning (DEL)

www.del.wa.gov

Child Care Resource & Referral Network (CCR&R)

http://www.childcarenet.org/families/your-search/referral_form

Child Care Check (formerly LCCIS)

<https://apps.del.wa.gov/check/CheckSearch.aspx>

Child Care Subsidies: A Booklet for Licensed and Certified Child Care Providers

http://www.del.wa.gov/publications/subsidy/docs/Licensed_booklet.pdf

Collective Bargaining Agreement for Licensed Family Child Care and In-Home/Relative Providers

<http://www.ofm.wa.gov/labor/agreements/09-11/childcare/childcare.pdf>

You Have a Choice! A Guide to Finding Quality Child Care

<http://www.del.wa.gov/publications/development/docs/ChoosingChildCare.pdf>

An Introduction for Parents to Early Learning and Development Benchmarks

http://www.del.wa.gov/publications/development/docs/Benchmarks_parents.pdf

Ready, Set, Go! Kindergarten Readiness Tips for Washington Families

<http://www.del.wa.gov/publications/development/docs/KindergartenReadinessBrochure.pdf>

Seasonal Child Care

WAC 170-290-3501 Program funding – waiting lists.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-3501>

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-3501 Program funding(~~(--Waiting lists)~~). The seasonal child care (SCC) program is subject to available funds (~~((and creates waiting lists when budget limits occur))~~). As used in this chapter, "subject to available funds" includes one or more of the following:

- (1) Limiting or closing enrollment;
- (2) Establishing a priority list for new enrollees subject to applicable state and federal law; or
- (3) Creating and maintaining a waiting list.

Additional Policy Guidance for WAC 170-290-3501

DEL may establish a waiting list or prioritization based on data and usage at a later date. *Eff. 7/1/2011*

WAC 170-290-3510 SCC definitions.

Repealed.

Refer to *WCCC Policy Manual* 170-290-0003 at: http://www.del.wa.gov/publications/subsidy/docs/WCCC_PolicyManual.pdf

WAC 170-290-3520 Eligible consumers.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-3520>

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-3520 (~~Eligible consumers.~~) Eligibility. (1) ~~((h))~~ Parents. To be eligible for SCC, ~~((an eligible consumer))~~ the person applying for benefits:

- ~~(a)~~ (a) Is not currently receiving temporary aid for needy families (TANF)~~((;))~~;
- ~~(b)~~ (b) Lives in ~~((the state of))~~ one of the following Washington~~((;))~~ state counties: Adams, Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Okanogan, Skagit, Walla Walla, Whatcom, or Yakima;
- ~~(c)~~ (c) Has parental control of one or more children~~((;))~~; and
- ~~(d)~~ (d) Is the child's:
 - ~~((a))~~ (i) Parent, either biological or adopted;
 - ~~((b))~~ (ii) Stepparent;
 - ~~((c))~~ (iii) Legal guardian as verified by a legal or court document;
 - ~~((d))~~ (iv) Adult sibling or step-sibling;
 - ~~((e))~~ (v) Aunt;
 - ~~((f))~~ (vi) Uncle;
 - ~~((g))~~ (vii) Niece or nephew;
 - ~~((h))~~ (viii) Grandparent; or
 - ~~((i))~~ (ix) Any of the above relatives in ~~((e), (f), or (h)))~~ (v), (vi), or (viii) of this subsection, with the prefix "great," such as great-aunt.

~~((2))~~ Consumers may be eligible for SCC benefits if they:

- ~~(a)~~ (a) Meet eligibility requirements in this chapter;
 - ~~(b))~~ (e) Participates in an approved activity under WAC 170-290-3555; ~~((and~~
 - ~~(c) Have))~~ (f) Has countable income at or below ~~((two hundred percent of the federal poverty guidelines (FPG)))~~ the maximum eligibility limit described in WAC ~~((170-290-3640-))~~ 170-290-0005;
 - (g) Completes the SCC application and DSHS verification process regardless of other program benefits or services received;
- and

(h) Meets eligibility requirements for SCC described under part III of this chapter.

(2) Children. To be eligible for SCC, the child receiving SCC must:

(a) Belong to one of the following groups as defined in WAC 388-424-0001:

- (i) A U.S. citizen;
- (ii) A U.S. national;
- (iii) A qualified alien; or
- (iv) A nonqualified alien who meets the Washington state residency requirements as listed in WAC 388-468-0005.

(b) Live in Washington state, and be:

- (i) Less than age thirteen; or
- (ii) Less than age nineteen, and:
 - (A) Have a verified special need, according to WAC 170-290-0220; or
 - (B) Be under court supervision.

(3) Consumers are not eligible for SCC ~~((benefits))~~ program subsidies if they:

- (a) Have a copayment, under WAC 170-290-0075, that is higher than the maximum monthly state child care rate for all of the consumer's children in care;
- ~~((b))~~ (b) ~~((Were employed with one employer more than eleven months in the previous twelve months;~~
- ~~((c))~~ (c) Are receiving TANF benefits; or
- ~~((d))~~ (c) Are the only parent in the household and will be away from the home for more than thirty days in a row.

Additional Policy Guidance for WAC 170-290-3510

None at this time.

WAC 170-290-3530 Verifying consumers information.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-3530>

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-3530 Verifying consumers' information. DSHS staff verify a consumer's information as provided in WAC 170-290-0012.

Additional Policy Guidance for WAC 170-290-3510

Refer to WCCC WAC 170-290-0012 in the WCCC Policy Manual for verification requirements.

http://www.del.wa.gov/publications/subsidy/docs/WCCC_PolicyManual.pdf

WAC 170-290-3540 Eligibility – family size.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-3540>

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-3540 Eligibility--Family size. ~~((DEL))~~ DSHS determines a consumer's family size as ~~((follows:))~~ provided in WAC 170-290-0015.

Additional Policy Guidance for WAC 170-290-3510

Refer to WCCC WAC 170-290-0015 in the WCCC Policy Manual for verification requirements.

http://www.del.wa.gov/publications/subsidy/docs/WCCC_PolicyManual.pdf

WAC 170-290-3550 Eligibility – special circumstances.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-3550>

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-3550 Eligibility--Special circumstances for two-parent families. (1) A consumer may be eligible for the SCC program when he or she

~~((a))~~ Has children living with them in Washington state who are:

~~((i))~~ Younger than age thirteen; or

~~((ii))~~ Thirteen to nineteen years old and under court supervision; or

~~((iii))~~ Less than nineteen years old and have a verified special need according to WAC 170-290-0220;

~~((b))~~ is a parent in a two-parent family ~~((in which))~~ and both parents currently work in seasonally available agricultural related work.

(2) ~~((If both parents are not employed in seasonally agricultural related work, the consumer may be eligible for SCC only when the other parent is "unable" to provide care for the children because of physical or mental restrictions.))~~ A consumer may be eligible for SCC if he or she is a parent in a two-parent family and one parent is not able or available as defined in WAC 170-290-0003 to provide care for the children while the other parent is currently working or participating in approved seasonally agricultural related work.

(3) If a consumer claims one parent is ~~((unable))~~ not able to care for the children, the consumer must provide written documentation from a licensed ~~((medical or mental health))~~ professional (see WAC 388-448-0020) that states the:

(a) Reason the parent is ~~((unable))~~ not able to care for the children; and

(b) Expected duration and severity of the condition that keeps the parent from caring for the children.

~~((3))~~ For the previous twelve months before applying for SCC benefits, fifty percent or more of the family's earned income must have come from seasonally available agricultural related work.))

Additional Policy Guidance for WAC 170-290-3550

SCC consumers are not required to submit a treatment plan or evidence from a medical professional showing he or she is cooperating with treatment and is still unable to care for the children. *Eff. 7/1/2006*

WAC 170-290-3555 Eligibility – approved activities.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-3555>

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-3555 Eligibility--Approved activities. (1) A consumer may be eligible for SCC ~~((benefits))~~ program subsidies for up to sixteen hours per day for the time he or she is involved in seasonally available agricultural related work in(~~(=~~

~~(a) Washington state; or~~

~~(b) A bordering state within forty miles of))~~ Washington state.

(2) When the consumer is part of a two-parent family, both parents must be employed as described in subsection (1) of this section;

(3) ~~((The SCC contractor))~~ DSHS may authorize care for:

(a) Travel time only between the child care location and the employment location ~~((only))~~;

(b) Job search, of no more than five days per month, if the consumer's seasonally available agricultural related work ends and he or she is still eligible and continues to need child care; or

(c) Sleep time, up to eight hours per day when needed, if the consumer works nights and sleeps days.

Additional Policy Guidance for WAC 170-290-3555

--SCC consumers are not eligible for the WCCC 28-day GAP period or the WCCC 14-day wait period.

--SCC consumers may be approved for up to five days per calendar month for job search activities.

--SCC consumers may have travel time authorized only between the child care and the employment location.

Eff. 7/1/2006

WAC 170-290-3560 Consumer's rights.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-3560>

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-3560 Consumers' rights. When a consumer applies for or receives SCC ~~((benefits))~~ program subsidies, he or she has the right to:

- (1) Be free from discrimination in accordance with all applicable federal and state nondiscrimination laws, regulations and policies;
- (2) Have the consumer's application accepted and acted upon within thirty days;
- (3) Be informed, in writing, of the consumer's legal rights and responsibilities related to the SCC ~~((benefits))~~ subsidy program;
- (4) Have the consumer's information shared with other agencies only when required by federal or state regulations;
- (5) Be allowed to choose a licensed or certified child care provider as long as the provider meets requirements in WAC 170-290-3750;
- (6) Receive a written notice at least ten days before changes are made to lower or stop benefits except as stated in WAC 170-290-3730;
- (7) Ask for an administrative hearing if the consumer does not agree with a decision per WAC 170-290-3860;
- (8) Ask to speak to ~~((the SCC contractor's))~~ a supervisor or administrator at DSHS to review a decision or action affecting the consumer's benefits without affecting the consumer's right to an administrative hearing;
- (9) Have interpreter or translator services provided by ~~((the SCC contractor))~~ DSHS within a reasonable amount of time and at no cost to the consumer;
- (10) Refuse to speak to a fraud early detection (FRED) investigator from the ~~((department of social and health services))~~ DSHS division of fraud investigations (DFI) when they ask to come into your home. This request will not affect eligibility for SCC program subsidies. If the consumer refuses to cooperate with the investigator at a later date, it could affect his or her ~~((benefits))~~ SCC program subsidies;
- (11) Access his or her child at all times while the child is in child care;
- (12) Terminate child care without cause and without notice to the provider. Notice must be given to ~~((the SCC contractor))~~ DSHS within five days of termination; and
- (13) Not be charged by the consumer's licensed or certified provider, or be made to pay, for:
 - (a) The difference between ~~((their))~~ the child care provider's private rate and the state maximum child care subsidy rate, when their private rate for child care or the registration fee is higher;
 - (b) Any day when the consumer's child is absent;
 - (c) Vacation days when the provider chooses to close;
 - (d) A higher amount than the state allows for field trips;
 - (e) A preschool tuition fee in addition to regular child care services; or
 - (f) Child care services after the final day of care, when the provider chooses to stop caring for the consumer's children.

Additional Policy Guidance for WAC 170-290-3560

--SCC consumers may choose licensed or certified child care center providers, or licensed or certified family home providers only.

SCC consumers may not choose exempt in-home or relative child care providers. **Eff. 7/1/2006**

--An applicant may qualify for child care subsidy benefits for up to 30 days after being found eligible for child care subsidies in order to establish a child support case with the Division of Child Support for the child needing subsidized child care, or provide a current court order showing the child support amount ordered and verification of payments received, on behalf of the child needing subsidized child care. **Eff. 7/1/2011**

--Current consumers must establish a child support case with the Division of Child Support, or provide a current court order showing the child support amount ordered and verification of payments received during his or her reapplication period. **Eff. 7/1/2011**

WAC 170-290-3565 Consumers' responsibilities.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-3565>

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-3565 Consumers' responsibilities. When a consumer applies for or receives SCC ~~((benefits))~~ program subsidies, he or she must:

- (1) Give ~~((the SCC contractor))~~ DSHS correct and current information so that ~~((the SCC contractor))~~ DSHS can determine the consumer's eligibility and authorize child care payments correctly;
- (2) Choose a licensed or certified child care provider who meets requirements of WAC 170-292-3750;
- (3) Leave the consumer's children with his or her provider while the consumer is in SCC approved activities~~((-- If the consumer is not in an approved activity and wants to use the provider, he or she must pay the provider if the provider wants payment))~~ outside of the consumer's home;
- (4) Pay ~~((for))~~ the provider for child care services when the consumer requests additional child care ~~((that exceeds the authorization based on the same fees that are charged to other families))~~ for personal reasons other than working or participating in SCC approved activities that have been authorized by DSHS;
- (5) Pay the provider for optional child care programs for the child that the consumer requests. The provider must have a written policy in place charging all families for these optional child care programs;
- ~~((5))~~ (6) Pay, or make arrangements for someone to pay, the consumer's SCC copayment directly to the child care provider;
- ~~((6))~~ (7) Pay the provider the same late fees that are charged to other families, if the consumer pays a copayment late or picks up the child late;
- ~~((7))~~ (8) Sign his or her children in and out of child care as provided in WAC 170-295-7030, 170-296-0520, or 170-151-460, as applicable, for that type of provider; and
- ~~((8))~~ (9) Provide the information requested by the ~~((SCC contractor or the department of social and health services))~~ DSHS fraud early detection (FRED) investigator. If the consumer refuses to provide the information requested within fourteen days, it could affect his or her ~~((benefits))~~ SCC program subsidies. If ~~((the SCC contractor))~~ DSHS determines ~~((that))~~ a consumer is not cooperating by supplying the requested information, the consumer will not be eligible for SCC ~~((benefits))~~ program subsidies. The consumer may become eligible again when he or she meets SCC program requirements in part III of this chapter.

Emergency Rule:

<http://apps.leg.wa.gov/documents/laws/wsr/2011/14/11-14-066.htm>

Additional Policy Guidance for WAC 170-290-3565

--The requirement to cooperate with the Division of Child Support as a condition of receiving child care subsidy benefits applies only to the child(ren) for whom the subsidy is requested. *Eff. 7/1/2011*

--If an eligible applicant or consumer receives "good cause" under WAC 388-422-0020 from cooperating with the Division of Child Support for TANF or another public benefits program, then she or he is not required to cooperate in order to receive child care subsidy benefits. *Eff. 7/1/2011*

WAC 170-290-3570 Notification of changes.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-3570>

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-3570 Notification of changes. When a consumer applies for or receives SCC ~~((benefits))~~ program subsidies, he or she must:

- (1) Notify ~~((the SCC contractor))~~ DSHS, within five days, of any change in providers;
- (2) Notify his or her provider within ten days when ~~((the SCC contractor))~~ DSHS changes his or her child care authorization;
- (3) Notify ~~((the SCC contractor))~~ DSHS within ten days of any change in the consumer's:
 - (a) Number of child care hours needed (more or less hours);
 - (b) ~~((Child becoming eligible))~~ Child's eligibility for migrant Head Start or another child care program;
 - (c) Household income, including any new receipt of a TANF grant or child support increases or decreases;
 - (d) Household size such as any family member moving in or out of his or her home;
 - (e) Employment hours such as starting, stopping or changing employers;
 - (f) Home address and telephone number; or
 - (g) Child support payments made by the consumer.

Additional Policy Guidance for WAC 170-290-3570

None at this time.

WAC 170-290-3580 Failure to report changes.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-3580>

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-3580 Failure to report changes. (1) If a consumer fails to report any changes as required in WAC 170-290-3570 within the stated time frames, ~~((DEL))~~ DSHS may establish an overpayment to the consumer per WAC 170-290-3850 or the consumer may have to pay additional costs, such as a higher copayment.

(2) The consumer may receive an overpayment for what the provider is allowed to bill to include billing for absent days (see publication *Child Care Subsidies, A Booklet for Licensed and Certified Child Care Providers*, DEL 22-877, revised ~~((2009))~~ 2010).

Additional Policy Guidance for WAC 170-290-3580

None at this time.

WAC 170-290-3590 DSHS's responsibilities to consumers.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-3590>

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-3590 (~~((SCC contractor's))~~) DSHS's responsibilities to consumers. (~~((SCC contractors are community agencies that contract with DEL to perform SCC program authorizations. The SCC contractors and their))~~) DSHS staff must:

- (1) Treat consumers in accordance with all applicable federal and state nondiscrimination laws, regulations and policies;
- (2) (~~((Authorize SCC program subsidies for a consumer's children based on eligibility criteria established by DEL, as defined in this chapter;~~
- (3) ~~Ask if a consumer has received, or is currently receiving, child care services from another subsidy program; and if he or she has received a copy of his or her termination letter from that program;~~
- (4) ~~Ask if a consumer has applied, and been denied, for working connections child care (WCCC); and if he or she has, verify his or her denial from that program;~~
- (5)) Complete ((intake documents in a consumer's presence,)) applications for SCC program subsidies based on information ((he or she)) the consumer provides, and determine a consumer's eligibility within thirty days from the date the consumer applied;
- (~~((6))~~) (3) Accept a variety of forms of verification and may not specify the type of documentation required;
- (~~((7))~~) (4) Authorize payments only to a licensed or certified child care provider ((of a consumer's choice)) the consumer chooses who meets the requirements in WAC 170-290-3750;
- (~~((8))~~) (5) Authorize payments only when no adult in a consumer's family (under WAC 170-290-3540) is able or available to care for the consumer's children as defined in WAC 170-290-3550;
- (~~((9) Give a consumer a SCC program approved child care plan in order to enroll his or her children in licensed or certified child care;~~
- (~~((10))~~) (6) Inform a consumer of:
 - (a) The consumer's copayment amount as determined in WAC 170-290-3620 and defined in WAC 170-290-0075;
 - (b) The consumer's rights and responsibilities under the SCC program when he or she applies or reapplies;
 - (c) The types of child care providers the SCC program will pay;
 - (d) The community resources that can help the consumer select child care when needed;
 - (e) Other options for child care subsidies, if the consumer does not qualify for SCC program subsidies; and
 - (f) The consumer's rights to an administrative hearing (~~((under the SCC program))~~);
- (~~((11))~~) (7) Provide prompt child care authorizations to a consumer's child care provider;
- (~~((12))~~) (8) Respond to a consumer within ten days if the consumer reports a change of circumstance that affects the consumer's:
 - (a) SCC eligibility;
 - (b) Copayment; or
 - (c) Providers; and
- (~~((13))~~) (9) Provide an interpreter or translator service at no cost to the consumer to explain information related to the SCC program.

Additional Policy Guidance for WAC 170-290-3590

None at this time.

WAC 170-290-3610 Countable income.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-3610>

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-3610 Countable income. ~~((DEL))~~ DSHS counts income as money a consumer earns or receives from:

- (1) Wages and commissions earned from employment;
- (2) Unemployment compensation;
- (3) A TANF or other welfare grant;
- (4) Child support payments received;
- (5) Supplemental Security Income (SSI);
- (6) Other Social Security payments, such as Social Security Administration (SSA) and Social Security disability insurance (SSDI);
- (7) Refugee assistance payments;
- (8) Payments from the Veterans' Administration;
- (9) Pensions or retirement income;
- (10) Payments from labor and industries (L&I), or disability payments;
- (11) ~~((Inheritance;~~
- (12) ~~Reportable gambling winnings; and~~
- (13) ~~)) Lump sums as money a consumer receives from a one-time payment such as back child support, an inheritance, or gambling winnings;~~
- (12) Other types of income not listed in WAC 170-290-3630; and
- (13) Gross wages from employment or self-employment income as defined in WAC 170-290-0003. Gross wages include any wages that are taxable.

Emergency Rule:

<http://apps.leg.wa.gov/documents/laws/wsr/2011/14/11-14-066.htm>

Additional Policy Guidance for WAC 170-290-3610

--Child support amounts are set and modified by a judge during a parent's separation, dissolution or support modification hearing. The amount is clearly noted in the legal paperwork (see www.courts.wa.gov/forms for examples). If a parent chooses to stop using the Office of Support Enforcement for child support collection and distribution, it does not stop the non-custodial parent's obligation to continue paying the court-ordered support. Workers must still verify the child support received. See 170-290-0012 for verification requirements.

Eff. 12/3/2010

-- When determining income eligibility and copayments, eligibility workers must use either the amount of child support shown in SEMS (for consumers receiving child support enforcement services), or the child support amount shown on the current court order for consumers not receiving child support enforcement services. ***Eff. 7/1/2011***

WAC 170-290-3620 Calculation of income.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-3620>

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-3620 Calculation of income. For the SCC program, ~~((DEL uses a consumer's countable income when determining his or her income eligibility and copayment))~~ DSHS calculates a consumer's income in the same manner as provided in WAC 170-290-0065. ~~((DEL determines a consumer's average monthly income by totaling all income earned in the past twelve months, as listed in WAC 170-290-3610, and dividing by twelve. The last month of income that is counted is the month before the consumer applies for SCC.))~~

Additional Policy Guidance for WAC 170-290-3620

--Refer to WCCC WAC 170-290-0065 in the WCCC Policy Manual for income calculation rules.

http://www.del.wa.gov/publications/subsidy/docs/WCCC_PolicyManual.pdf

WAC 170-290-3630 Excluded income and deductions.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-3630>

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-3630 Excluded income and deductions. (1) The SCC program does not count the following income types when determining a consumer's income eligibility and copayment:

(a) Income types as defined in WAC 388-450-0035, 388-450-0040, and 388-450-0055;

~~((b))~~ (b) Savings accounts;

~~((b))~~ (c) Money received from sale of real property, such as a house, or personal property, such as a car;

~~((c))~~ (d) Reimbursements, such as tax refunds;

~~((d))~~ (e) Earned income credits;

~~((e))~~ One time insurance settlement payments;

(f) Diversion cash assistance;

(g) Compensatory awards, such as an insurance settlement or court-ordered payment for personal injury, damage, or loss of property;

(h) Capital gains;

~~((g))~~ (i) Basic Food program;

~~((h))~~ (j) Income earned by children as described in WAC 170-290-3540;

~~((i))~~ (k) Benefits received by children of Vietnam War veterans who are diagnosed with any form or manifestation of spina bifida except spina bifida occulta;

(l) Adoption support assistance and foster care payments; and

~~((j))~~ (m) Government economic stimulus payments.

(2) SCC deducts the amount a consumer pays for child support from his or her countable income when figuring his or her eligibility and copayment for the SCC.

Additional Policy Guidance for WAC 170-290-3630

--Between March 6, 2011 and November 6, 2011, do not count the \$25 increase in a consumer's weekly unemployment benefit when determining a consumer's income eligibility and copayment. (Engrossed House Bill 1091. Chapter 4, Laws of 2011.) *Eff. 3/16/2011*

WAC 170-290-3640 Determining income eligibility and copayment.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-3640>

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-3640 Determining income eligibility and copayment. (1) For the SCC program, ~~((DEL))~~ DSHS determines a consumer's family's income eligibility and copayment by:

(a) The consumer's family size as defined under WAC 170-290-3540;

(b) The consumer's average monthly income as calculated under WAC 170-290-3620;

(c) The consumer's family's average monthly income as compared to the federal poverty guidelines (FPG); and

(d) The consumer's family's average monthly income as compared to the copayment chart defined in WAC 170-290-0075.

(2) If a consumer's family's income is above ~~((two hundred percent of the FPG as defined in WAC 170-290-0075))~~ the maximum eligibility limit as provided in WAC 170-290-0005, his or her family is not eligible for the SCC program.

(3) ~~((SCC does not prorate the copayment when a consumer uses care for part of a month.~~

~~((4))~~ (4) The FPG is updated every year on April 1. The SCC eligibility level is updated at the same time every year to remain current with the FPG.

~~((5))~~ (4) SCC shall assign a copayment amount based on the family's countable income. ~~((The copayment amount will be on the consumer's child care plan.))~~ The consumer pays the copayment directly to the provider.

(5) SCC does not prorate the copayment when a consumer uses care for part of a month.

Additional Policy Guidance for WAC 170-290-3640

--SCC consumers are eligible for the minimum copayment of \$15 per month only when they are at or below 82% of the federal poverty level. *Eff. 7/1/2006*

WAC 170-290-3650 Change in copayment.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-3650>

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-3650 Change in copayment. (1) A consumer's SCC program copayment could change when:

- (a) DEL makes a mass change in subsidy benefits due to a change in law or program funding;
 - (b) The consumer's family size increases;
 - (c) ~~((The SCC contractor))~~ DSHS makes an error in the consumer's copayment computation;
 - (d) The consumer did not report all income, activity and household information at the time of eligibility determination or application/reapplication; or
 - (e) The consumer is approved for a new eligibility period.
- (2) If a consumer's copayment changes during his or her eligibility period, the change is effective:
- (a) On the first day of the month following the change, when:
 - (i) The report is made to ~~((the SCC contractor))~~ DSHS or the information is learned by ~~((the contractor))~~ DSHS within ten or more days after the change as provided in WAC 170-290-3570;
 - (ii) The consumer receives ten days written notice; and
 - (iii) The copayment is increasing; or
 - (b) On the first day of the month that the change occurred when:
 - (i) The report is made to ~~((the SCC contractor))~~ DSHS or the information is learned by ~~((the contractor))~~ DSHS within ten days or less after the change as provided in WAC 170-290-3570; and
 - (ii) The copayment is decreasing.

Additional Policy Guidance for WAC 170-290-3650

None at this time.

WAC 170-290-3660 Eligibility period.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-3660>

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-3660 Eligibility period. ~~((The SCC contractor may approve a consumer for a period up to six months. The first month of eligibility is the same month that child care begins.))~~ (1) A consumer who meets all of the requirements of part III of this chapter is eligible for SCC subsidies for six months.

- (2) A consumer's eligibility may be for less than six months if requested by the consumer.
- (3) A consumer's eligibility may end ~~((before his or her end date))~~ sooner than six months if:
 - (a) The consumer no longer wishes to participate in SCC; or
 - (b) DSHS terminates the consumer's eligibility as stated in WAC 170-290-3855.

Emergency Rule:

<http://apps.leg.wa.gov/documents/laws/wsr/2011/14/11-14-066.htm>

Additional Policy Guidance for WAC 170-290-3660

-- Regardless of the length of eligibility, all consumers are still required to report changes of circumstances to DSHS as provided in WAC 170-290-0031. *Eff. 7/1/2011*

WAC 170-290-3665 When SCC benefits start.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-3665>

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-3665 When SCC (~~benefits~~) program subsidies start.

(1) SCC benefits for an eligible consumer may begin when the following conditions are met:

(a) The consumer has completed the required SCC application and verification process as described under WAC 170-290-0012 within thirty days of the date DSHS received the consumer's application or reapplication for SCC benefits;

(b) The consumer is working or participating in an approved activity under WAC 170-290-3555;

(c) The consumer needs child care for work or approved activities within at least thirty days of the date of application for SCC benefits; and

(d) The consumer's eligible licensed or certified provider is caring for his or her children.

(2) If a consumer fails to turn in all information within thirty days from his or her application date, the consumer must restart the application process.

(3) The consumer's application date is whichever is earlier:

(a) The date the consumer's application is entered into DSHS's automated system; or

(b) The date the consumer's application is date stamped as received.

Additional Policy Guidance for WAC 170-290-3665

Complete Application. Every consumer, regardless of participation in other DSHS programs, must have a complete SCC application on file with DSHS in order for eligibility for SCC benefits to be determined. An application is complete when both the provider and consumer parts have been completed, all requested verification documents have been submitted to DSHS for review and approval, the provider is chosen, and the child care worker enters the provider into SSPS. *Eff. 4/1/2009*

Authorizing Benefits. SCC benefits cannot be authorized to new applicants or current consumers prior to being determined eligible according to the program rules in part III of WAC 170-290. Child care benefits can be paid from the date of a consumer's initial application IF the family is determined eligible for benefits AND the provider is authorized to provide subsidized child care. *Eff. 7/1/2006*

Reapplications. Reapplications are due to DSHS by the last day of the consumer's current eligibility period. If the consumer turns in the completed reapplication after their eligibility period ends, establish a new eligibility period. If the consumer submits the needed documentation more than 30 days after submitting their reapplication, eligibility begins the date the department receives all of the requested information and the consumer is determined eligible. *Eff. 7/1/2006*

Case Reinstatement. Closed cases may be re-opened prior to the original eligibility end date when there is a case error, non-receipt of verification within a certain time frame, non-payment of the copayment, or the 28-day gap child care eligibility period has ended. Information must be received or changes occur before the termination date to reinstate a case. Reinstatement is not available for reapplications, cases where the original eligibility end date is the same as the new closed date, or breaks in service. Reinstatements must meet all SCC eligibility requirements, and a second copayment is not authorized in the same month. *Eff. 7/1/2006*

WAC 170-290-3670 Preauthorization for the SCC program.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-3670>

Repealed.

Additional Policy Guidance for WAC 170-290-3670

Refer to WAC 170-290-3665 "When SCC benefits start."

WAC 170-290-3690 Denial of benefits – Date of redetermining eligibility.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-3690>

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-3690 Denial of benefits--Date of redetermining eligibility. (1) ~~((The SCC contractor))~~ DSHS sends a consumer a denial letter when the consumer has applied for child care and the consumer:

(a) Is not eligible due to the consumer's:

(i) Family composition;

(ii) Income; or

(iii) Activity; or

(b) Did not provide information required to determine the consumer's eligibility according to WAC 170-290-3530.

(2) If a consumer turns in information or otherwise meets eligibility requirements after the denial letter is sent, the consumer's benefits begin according to WAC 170-290-3665.

(3) WCCC eligibility will be determined when a consumer is denied for SCC program subsidies.

Additional Policy Guidance for WAC 170-290-3690

--If an applicant or consumer is found ineligible for SCC benefits, determine his or her eligibility for WCCC program subsidies. *Eff.*
7/1/2011

WAC 170-290-3720 Notice of payment changes.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-3720>

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-3720 Notice of payment changes. ~~((The SCC contractor))~~ DSHS provides SCC consumers with at least ten days written notice of changes to payments related to the suspension, reduction, or termination of benefits, in child care arrangements, except as noted in WAC 170-290-3730.

Additional Policy Guidance for WAC 170-290-3720

None at this time.

WAC 170-290-3730 Notice of payment changes is not required.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-3730>

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-3730 When notice of payment changes is not required. ~~((The SCC contractor))~~ DSHS does not give a consumer notice if the consumer:

(1) Tells ~~((the SCC contractor))~~ DSHS that he or she no longer wants SCC; or

(2) Has ~~((moved and his or her whereabouts are unknown to the SCC contractor;~~

(3) ~~Is receiving duplicate child care benefits;~~

(4) ~~Has a current eligibility period that is scheduled to end;~~

(5) ~~Has a new eligibility period that results in a change in child care benefits; or~~

(6) ~~Is receiving child care at a location that does not meet requirements under WAC 170-290-3750))~~ not informed DSHS of his or her new mailing address.

Additional Policy Guidance for WAC 170-290-3730

None at this time.

WAC 170-290-3750 Eligible child care providers.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-3750>

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-3750 Eligible child care providers. To receive payment under the SCC program, a consumer's child care provider must be:

(1) Currently licensed as required by chapter 43.215 RCW and chapters 170-295, 170-296, or 170-151 WAC;
(2) Meeting their state's licensing regulations, for providers who care for children in states bordering Washington. The SCC program pays the lesser of the following to qualified child care facilities in bordering states:

- (a) The provider's private pay rate for that child; or
- (b) The state maximum child care subsidy rate for the DSHS region where the child resides; or
- (3) Exempt from licensing but certified by DEL, such as:
 - (a) Tribal child care facilities that meet the requirements of tribal law;
 - (b) Child care facilities on a military installation; and
 - (c) Child care facilities operated on public school property by a school district((;
- ~~(4) Seasonal day camps that have a contract with DEL to provide subsidized child care)).~~

Additional Policy Guidance for WAC 170-290-3730

In-home or relative providers who are exempt from licensing are not eligible child care providers for SCC program subsidies. *Eff.*
7/1/2006

WAC 170-290-3760 SCC subsidy rates – Effective date.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-3760>

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-3760 SCC subsidy rates--Effective date. ~~((DEL))~~ State child care subsidy rates in this part are effective as of the date stated in WAC 170-290-0180.

Additional Policy Guidance for WAC 170-290-3760

None at this time.

WAC 170-290-3770 Authorized SCC payments.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-3770>

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-3770 Authorized SCC payments. The SCC program may authorize payments to licensed~~((f))~~ or certified child care providers for:

(1) Basic child care either full_day or half_day, at rates listed in the chart in WAC 170-290-0200 and 170-290-0205~~((;~~
~~including on Saturdays and Sundays))~~:

- (a) A full day of child care when care is needed for five to ten hours per day;
- (b) A half day of child care when care is needed for less than five hours per day;
- (2) A registration fee, according to WAC 170-290-0245;
- (3) Subsidy rates for five-year old children according to WAC 170-290-0185;
- (4) The field trip fees in WAC 170-290-0247;
- (5) The nonstandard hours bonus in WAC 170-290-0249; and
- (6) Special needs care when the child has a documented special need and a documented need for a higher level of care, according to WAC 170-290-0220, 170-290-0225, and 170-290-0230.

Additional Policy Guidance for WAC 170-290-3770

Refer to *WCCC Policy Manual Additional Policy Guidance* under 170-290-0220:

http://www.del.wa.gov/publications/subsidy/docs/WCCC_PolicyManual.pdf

WAC 170-290-3790 When additional SCC subsidy payments are authorized.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-3790>

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-3790 When additional SCC subsidy payments are authorized. ~~((The SCC contractor))~~ DSHS may authorize additional child care when:

- (1) Needed to accommodate a family's work schedule;
- (2) Employer verification of work schedule is presented; and
- (3) More than ten hours of care is ~~((provided))~~ needed per day for the consumer to participate in an approved activity (up to a maximum of sixteen hours a day) and the provider's policy is to charge all families for these extra hours.

Additional Policy Guidance for WAC 170-290-3790

None at this time.

WAC 170-290-3820 Review of eligibility and copayment information.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-3820>

REPEALED.

Additional Policy Guidance for WAC 170-290-3820

Refer to WAC 170-290-3665 "When SCC benefits start."

WAC 170-290-3830 Redetermination of SCC benefits.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-3830>

REPEALED.

Additional Policy Guidance for WAC 170-290-3830

Refer to WAC 170-290-3840 "New eligibility period."

WAC 170-290-3840 New eligibility period.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-3840>

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-3840 New eligibility period. (1) If a consumer wants to receive ~~((child care benefits))~~ SCC program subsidies for another eligibility period, he or she must reapply for SCC benefits before the end of the current eligibility period ~~((listed on the child care plan))~~. To determine if a consumer is eligible, ~~((the consumer calls or comes into the SCC contractor's office on or before the end date of the consumer's current SCC eligibility period to request an application interview date.))~~ DSHS:

(a) Requests reapplication information before the end date of the consumer's current SCC eligibility period; and

(b) Verifies the requested information for completeness and accuracy.

(2) A consumer may be eligible for SCC ~~((benefits))~~ program subsidies for a new eligibility period ~~((with no break in child care subsidies.))~~if:

(a) ~~((The consumer calls or comes into the SCC contractor's office on or before the end date of the consumer's current SCC eligibility period to request an application interview date.))~~ DSHS receives the consumer's reapplication information no later than the last day of the current eligibility period;

(b) The consumer's provider is eligible for payment under WAC 170-290-3750; and

(c) The consumer meets all SCC eligibility requirements.

(3) If ~~((the SCC contractor))~~ DSHS determines that a consumer is eligible for SCC ~~((benefits))~~ program subsidies based on his or her ~~((application))~~ reapplication information, ~~((the SCC contractor))~~ DSHS notifies the consumer of the new eligibility period and copayment.

(4) If a consumer fails to ~~((call or come into a SCC contractor's office))~~ contact DSHS on or before the end date of the consumer's current SCC eligibility period to request ~~((an application interview date))~~ SCC program subsidies, he or she must reapply according to WAC 170-290-3665.

Additional Policy Guidance for WAC 170-290-3840

None at this time.

WAC 170-290-3850 Payment discrepancies generally.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-3850>

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-3850 Payment discrepancies generally. ~~((DEL))~~ Child care subsidy payment discrepancies are described in WAC 170-290-0266 through 170-290-0275, with the exception of underpayments requested by licensed child care centers, which will only be considered for twelve months after the date of services.

Additional Policy Guidance for WAC 170-290-3850

None at this time.

WAC 170-290-3855 Termination of and redetermining eligibility for benefits.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-3855>

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-3855 Termination of and redetermining eligibility for ~~((benefits))~~ SCC program subsidies. (1) A consumer's continued eligibility for SCC program subsidies stops when:

(a) The consumer's monthly copayment is equal to or higher than the state maximum monthly child care rate for all of the consumer's children in care; or

(b) The consumer:

(i) Is not participating in an approved activity as defined in WAC 170-290-3555;

(ii) Does not meet other SCC eligibility requirements related to family size, income and approved activities;

(iii) Does not pay the copayment fees to the consumer's child care provider or does not make mutually acceptable arrangements with the consumer's child care provider for ~~((their))~~ payment; or

(iv) Refuses to cooperate with investigations conducted by quality assurance staff or the division of fraud investigations.

(2) A consumer might be eligible for SCC program subsidies again when:

(a) The consumer meets all SCC program eligibility requirements;

(b) The consumer ~~((paid))~~ pays back copayment fees or made mutually acceptable payment arrangements with his or her child care provider; or

(c) The consumer cooperated with the quality assurance review process or with the DSHS division of fraud investigations.

Additional Policy Guidance for WAC 170-290-3855

None at this time.

WAC 170-290-3860 Right to request an administrative hearing.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-3860>

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-3860 Right to request an administrative hearing. ~~((1))~~ SCC consumers~~((,))~~ and licensed or certified child care providers~~((, and DEL contracted seasonal day camps))~~ must follow ~~((chapter 170-03))~~ WAC ~~170-290-0280~~ to request a hearing.

~~((2))~~ SCC consumers have a right to request a hearing on any action affecting SCC benefits except for mass changes resulting from a change in policy or law.

~~((3))~~ Under this part, licensed or certified child care providers, or DEL contracted seasonal day camps have a right to request a hearing only for SCC overpayments.

~~((4))~~ An SCC consumer, licensed or certified child care provider, or DEL contracted seasonal day camp must make a request for a hearing as required by WAC 170-03-0050 and 170-03-0060.

~~((a))~~ An SCC consumer must request a hearing within ninety days of the date a decision is received.

~~((b))~~ A licensed or certified child care provider or DEL contracted seasonal day camp must request a hearing within twenty-eight days of the date a decision is received.

Additional Policy Guidance for WAC 170-290-3860

None at this time.

WAC 170-290-3865 Receipt of SCC benefits pending the outcome of an administrative hearing.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-3865>

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-3865 Receipt of SCC ~~((benefits))~~ program subsidies pending the outcome of an administrative hearing. ~~((1))~~
A consumer may receive SCC ~~((benefits))~~ program subsidies while waiting for the outcome of a hearing~~((, if he or she is currently authorized for the SCC program and:~~

~~(a) The consumer requests a hearing;~~

~~(i) On or before the effective date of an action; or~~

~~(ii) No more than ten days after the consumer receives a notice of adverse action ("adverse action" for the purposes of this section means an action to reduce or terminate the consumer's SCC subsidies); or~~

~~(b) The consumer requests payments for child care payable to an eligible provider according to WAC 170-290-3750.~~

~~(2) If a consumer loses a hearing, any SCC program benefit that a consumer uses between the date of the adverse action and the date of the hearing decision (final order) is an overpayment to the consumer)) as provided in WAC 170-290-0285.~~

Additional Policy Guidance for WAC 170-290-3865

None at this time.